IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

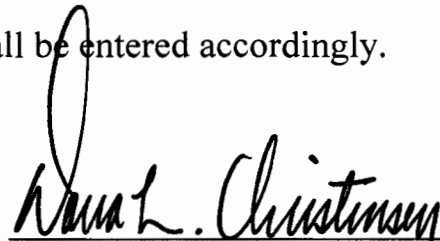|	
UNITED STATES OF AMERICA, Plaintiff, vs. DEAN NECKLACE, Defendant.	CR 10–28–GF–DLC–RKS ORDER

This case was referred to United States Magistrate Judge Keith Strong for a

revocation hearing and findings and recommendations. Judge Strong entered

findings and recommendations on April 8, 2013. He found that Defendant

violated Special Condition #2 of his supervised release by admitting to missing

two scheduled substance abuse treatment sessions as alleged in the petition. Judge

Strong recommends that this Court revoke Defendant's supervised release and

commit him to the custody of the United States Bureau of Prisons for a term of

imprisonment of 5 months, to be followed by 31 months supervised release. No

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objections have been filed by either party, and Judge Strong's findings and recommendations are therefore reviewed for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach, Inc.*, 656 F.2d 1309, 1319 (9th Cir. 1981).

This Court agrees with Judge Strong's finding that Defendant violated Special Condition #2 of his supervised release on two occasions. Defendant admitted to the violation and allocuted before Judge Strong. Judge Strong is also correct that the United States Sentencing Guidelines call for 5 to 11 months imprisonment, and a term of supervised release up to 3 years less any custodial time imposed. This Court agrees that a sentence of 5 months custody followed by 31 months supervised release is appropriate given Defendant's history of employment and attempts to establish a relationship with his young daughter. Judge Strong's recommendations will be adopted in full.

IT IS ORDERED that Judge Strong's Findings and Recommendations (doc. 38) are ADOPTED in full and Judgment shall be entered accordingly.

Dated this **30**th day of April, 2013.

Dana L. Christensen, Chief Judge
United States District Court